

666 FIFTH AVENUE, 17TH FLOOR  
NEW YORK, NEW YORK 10103  
t 212.753.5000  
f 212.753.5044  
www.schiffhardin.com

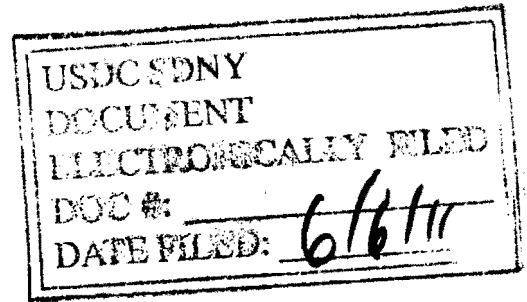
Thomas M. Crispi  
212-745-0865  
tcrispi@schiffhardin.com

MEMO ENCLOSED

June 2, 2011

**BY ECF**

Hon. Jed S. Rakoff  
United States District Judge  
500 Pearl Street  
New York, New York 10007



Re: *Johnston v. Apple Inc.*, 1:11-cv-03321-JSR

Dear Honorable Jed Rakoff:

We represent defendant, Apple Inc., in the above-captioned matter. Defendant is filing a Motion for Judgment Pursuant to Federal Rules of Civil Procedure 12(b)(6) and Rule 12(d) (the "Motion"), which must be filed on or before Thursday, June 2, 2011.

Pursuant to the parties' conference call (the "call") with Judge Rakoff's Chambers on June 1, 2011, Apple Inc. requests permission to file Exhibit A.1 to the Motion under seal. As affirmed in the call, Plaintiffs consent to the filing of Exhibit A.1 under seal.

Exhibit A.1 is Apple Inc.'s Services Agreement with independent contractor, Omniscient Investigation Corporation, for the provision of security services. Exhibit A.1 contains confidential business information that is unrelated to the claims in this case. The disclosure of this information would cause undue harm to the businesses involved. On that basis, defendant respectfully requests that the Court grant this application to seal Exhibit A.1 to be filed in support of their motion.

Sincerely,

Thomas M. Crispi

cc:  
William K. Phillips  
Phillips & Phillips PLLC  
30 Broad St., 35<sup>th</sup> Floor  
New York, New York 10004  
(212) 587-0760  
Attorneys for Plaintiffs